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# Supreme Court of the United States.

OCTOBER TERM, 1968.

No. 478.

JEREMIAH STAMLER, M.D. AND YOLANDA F. HALL,
*Plaintiffs-Appellants,*
*v.*
HON. EDWIN E. WILLIS ET AL.,
*Defendants-Appellees.*

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No. 479.

MILTON M. COHEN,
*Plaintiff-Appellant,*
*v.*
HON. EDWIN E. WILLIS ET AL.,
*Defendants-Appellees.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.

## BRIEF OF ACADEMIC AMICUS CURIAE IN SUPPORT OF JURISDICTIONAL STATEMENT.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION.

## BRIEF OF ACADEMIC AMICUS CURIAE IN SUPPORT OF JURISDICTIONAL STATEMENT.

The undersigned, law school deans and professors of law, respectfully request the Court to allow the appeal in this

case and to resolve the interesting and novel issues presented.

The principal issue is whether the civil courts may adjudicate the constitutionality of a statute establishing a congressional investigating committee operating in the First Amendment area, or whether in order to test such a charter an aggrieved citizen must be put to defense of a criminal prosecution.

Of the difficulty of this issue there can be no doubt, yet its resolution is important for several reasons.

*First,* the Court is confronted with a need to define the breadth and reach of its landmark decision in *Dombrowski* v. *Pfister,* 380 U.S. 479 (1965), and particularly to decide whether the principles established in that case apply to equitable relief against operation of a congressional committee or a prosecution for contempt of Congress under a vague and overly broad statute.

*Second,* the continued employment by the Congress of the House of Representatives Committee on Un-American Activities and other investigating committees and subcommittees makes it likely that other suits like the instant one will be filed. See *Krebs* v. *Ashbrook,* 275 F. Supp. 110 (D.C. D.C. 1967), aff'd per curiam, — F. 2d — (D.C. Cir. 1968). Confusion relating to the proper role of judicial review over functions of Congress will be lessened by decision in the instant case.

*Third,* the Court should resolve the question of whether the Speech and Debate Clause extends to suits such as this, where no damages or other personal relief is sought. This classic and rarely construed clause plays a vital role in the maintenance of robust political debate. Its proper scope is especially important of resolution where, as conceded by the court below, legitimate First Amendment claims of citizens may be thwarted summarily by its application. This

fundamental conflict between these contending interests in free speech has broad ramifications and should be resolved at this early opportunity.

The undersigned respectfully request the Court to grant plenary hearing and resolve these interesting and significant questions.

Respectfully submitted,

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